

### R E M A R K S

Applicant's representative provisionally elects with traverse claims 1-7, 9-12 and 19-20, Group I. Applicant's representative respectfully requests that the Examiner reconsider and withdraw the restriction requirement.

Group I, claims 1-7, 9-12 and 19-20, Group II, claims 14-18, and Group III, claims 8, 13 and 21-23, are not separate groups. An application may be properly required to be restricted on one or more patentably distinct inventions only if (a) the inventions are either independent or distinct as claimed **and** (b) there is a **serious** burden on the Examiner (see MPEP §803, emphasis added by Applicant's representative).

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent and distinct inventions (MPEP §803, under the heading Restriction-When Proper). The Examiner does not appear to have met the burden of showing a *prima facie* case why there would be a serious burden to search and examine the entire application (MPEP §803).

Furthermore, Examiners must provide reasons and/or examples to support conclusions (see MPEP §803, under the heading GUIDELINES). The Examiner has not presented objective evidence or appropriate explanation for the conclusory statement that Group I has separate utility from Groups II or III other than that they are

"unrelated" (see Office Action on page 2, paragraphs 2 and 3). Since the claims of Group III are all dependent claims, no serious burden exists for their examination. The claims of Groups I and II are so similar as to warrant examination together. Therefore, the Office Action does not appear to establish a *prima facie* showing that there would be a **serious** burden on the Examiner to search and examine the entire application (MPEP §803). As such, the requirement for restriction does not appear to be proper and should be withdrawn (MPEP §803).